

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



August 21, 2000

ALL-COUNTY INFORMATION NOTICE NO. I-75-00

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL WELFARE-TO-WORK COORDINATORS
ALL FOOD STAMP COORDINATORS

SUBJECT: IMPLEMENTATION OF A SIMPLIFIED FOOD STAMP PROGRAM (SFSP) THAT WILL ALLOW COUNTIES TO COMBINE THE AMOUNT OF THE FOOD STAMP ALLOTMENT WITH THE CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) GRANT AMOUNT TO DETERMINE THE NUMBER OF HOURS OF PARTICIPATION IN CALWORKS WORK EXPERIENCE AND COMMUNITY SERVICE ACTIVITIES.

REFERENCE: ALL COUNTY LETTER (ACL) NO. 98-32

The purpose of this All County Information Notice (ACIN) is to inform counties that on August 3, 2000, the California Department of Social Services (CDSS) received authority from the U. S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) to implement an SFSP that will allow counties to combine the amount of a CalWORKs recipient's food stamp allotment with his or her cash grant amount to determine the number of hours that individuals may participate in CalWORKs unpaid work experience and community service activities.

Background

CDSS has elected to implement an SFSP in order to allay the concerns of some counties regarding the impact of the Fair Labor Standards Act (FLSA) on CalWORKs unpaid work experience and community service activities. CDSS believes that this is the most feasible approach to take because it addresses concerns about the applicability of FLSA to unpaid work experience and community service activities, yet still requires the CalWORKs 32/35-hour work requirements to be met. Additionally,

in a guidance document dated May 22, 1997, the U.S. Department of Labor (DOL) referenced a minimum wage calculation/hourly participation limitation as meeting the FLSA's minimum wage requirement and described when food stamp benefits may be added to the cash grant to calculate the maximum number of hours that a recipient may be required to participate in community service. DOL also referenced a document from FNS that advised states of the availability of the SFSP option to allow food stamps to be counted in the minimum wage calculation.

Work Requirements Under the SFSP

For individuals participating in CalWORKs unpaid work experience and community service activities, the maximum hours of participation will be calculated by adding the amount of the food stamp allotment to the amount of the CalWORKs grant and dividing by the minimum wage. In addition to the federal food stamp allotment, counties may also use the food stamp allotment a family receives under the California Food Assistance Program (CFAP) in the SFSP calculation. Using the combined amount of the CalWORKs grant and the food stamp allotment will result in individuals being able to participate for more hours each week than they would be able to if only the grant amount was used in the calculation. (CDSS has estimated that, using the minimum wage calculation, approximately 62 percent of families receiving CalWORKs assistance will be able to meet the federal and CalWORKs participation rates.)

The regular food stamp eligibility factors will remain the same. The only component of the Simplified Food Stamp Program that is different from the regular Food Stamp Program is the work requirements. The CalWORKs work participation requirements will be applied only to household members receiving both CalWORKs aid and food stamps in either pure or mixed CalWORKs households. Adopting an SFSP will not affect the Food Stamp Program requirements for individuals who are not receiving CalWORKs assistance. These individuals will continue to follow the existing Food Stamp work rules. In households with both CalWORKs aided and non-aided individuals, the non-aided individual's portion of the food stamp allotment will not be used in determining the number of hours that aided individuals may participate in CalWORKs unpaid work experience and community service activities.

Allowable Post-Time Limit Activities Under the SFSP

While adopting an SFSP will allow most CalWORKs recipients to satisfy federal and CalWORKs hourly participation requirements, it will not enable all participants in work experience and community service activities to meet the requirements. It is estimated that families of two or less (approximately 38 percent of the caseload) will still be unable to meet the federal and CalWORKs required hours of participation through participation in work experience or community service activities only. However, because of the implementation of the SFSP, Welfare and Institutions (W & I) Code Section 11322.9(c)(2) allows individuals in community service to "backfill" the balance of any hours necessary to satisfy the hourly work requirement by participating concurrently in

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any welfare-to-work activities. When "backfilling" is necessary to meet the work participation requirement, individuals must participate in community service activities for the maximum hours determined under the SFSP calculation, before they are able to participate in other activities. The availability of other welfare-to-work activities after the community service hourly limit is met will assist recipients in meeting their work participation requirement because of their ability to concurrently participate in any welfare-to-work activity in W & I Code Section 11322.6.

Implementation Plan

Department staff is currently working with members of the County Welfare Department Association (CWDA) County Advisory Team (CAT) to develop program guidelines and amend Food Stamp and CalWORKs regulations in order to implement the SFSP. We plan to issue the guidelines and amended regulations and implement the SFSP by December 1, 2000.

If you have any questions regarding the ACIN, please call Suzanne Nobles, Chief, Employment Bureau, at (916) 654-2137.

Sincerely,

Original Document Signed By

BRUCE WAGSTAFF
Deputy Director
Welfare To Work Division